

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1483 be amended to read as follows:

- 1 Page 3, line 40, delete "Apprentice"" and insert ""**Apprentice**"".
- 2 Page 4, between lines 24 and 25, begin a new line block indented
- 3 and insert:
- 4 **"(5) "Interested party" means any of the following:**
- 5 **(A) A contractor that submits a bid for the award of a**
- 6 **public work contract.**
- 7 **(B) A subcontractor of a contractor described in clause**
- 8 **(A).**
- 9 **(C) A labor organization that:**
- 10 **(i) represents workers engaged in the same craft or**
- 11 **classification as workers employed by a contractor or**
- 12 **subcontractor described in clause (A) or (B); and**
- 13 **(ii) has as a purpose negotiating with employers**
- 14 **concerning wages, hours, or terms and conditions of**
- 15 **employment for employees.**
- 16 **(D) An association of contractors or subcontractors**
- 17 **described in clause (A) or (B)."**
- 18 Page 4, line 25, delete "(5)" and insert "**(6)**".
- 19 Page 4, line 29, delete "(6)" and insert "**(7)**".
- 20 Page 4, line 38, delete "(7)" and insert "**(8)**".
- 21 Page 4, line 41, delete "(8)" and insert "**(9)**".
- 22 Page 5, line 4, delete "(9)" and insert "**(10)**".
- 23 Page 5, line 6, delete "(10)" and insert "**(11)**".
- 24 Page 7, line 32, delete "investigate" and insert "**investigation**".

Page 9, between lines 10 and 11, begin a new paragraph and insert:
 "SECTION 6. IC 5-16-7-8 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2007]: **Sec. 8. (a) Any of the following may maintain a private
 action on behalf of a worker to recover damages for the
 contractor's or subcontractor's failure to pay the worker the
 common construction wage required by this chapter:**

(1) The worker.

(2) The department.

(3) An interested party.

**(b) A person described in subsection (a) who obtains a judgment
 in an action brought under this section may recover from the
 contractor or subcontractor both of the following:**

**(1) The difference between what was paid to the worker and
 what the worker was entitled to be paid under this chapter.**

**(2) Liquidated damages calculated at twice the amount
 determined under subdivision (1).**

**(c) In addition to money awarded under subsection (b), the
 court shall impose on the contractor or subcontractor a penalty of
 twenty percent (20%) of the amount determined under subsection
 (b)(1). In case of a notice of second violation, the court shall impose
 on the contractor or subcontractor a penalty of fifty percent (50%)
 of the amount determined under subsection (b)(1). A penalty
 imposed under this subsection shall be paid to the department.**

**(d) A person other than the worker who maintains an action
 under this section for a worker holds any amounts recovered under
 subsection (b)(1) and (b)(2) in trust for the worker. If the worker
 for whom amounts are held in trust under this subsection does not
 claim the money not later than one (1) year after the money is paid
 to the person, the money shall be considered unclaimed property
 under IC 32-34.**

**(e) In addition to any other relief provided under this section,
 the court shall award reasonable attorney's fees and costs to the
 prevailing party."**

Page 9, line 11, delete "IC 5-16-7-8" and insert "IC 5-16-7-9".

Page 9, line 13, delete "Sec. 8." and insert "**Sec. 9.**".

Page 10, line 13, delete "IC 5-16-7-9" and insert "IC 5-16-7-10".

Page 10, line 15, delete "Sec. 9." and insert "**Sec. 10.**".

Page 11, line 2, delete "IC 5-16-7-10" and insert "IC 5-16-7-11".

Page 11, line 4, delete "Sec. 10." and insert "**Sec. 11.**".

Page 11, line 12, after "for" insert "**a**".

Page 11, line 15, delete "IC 5-16-7-11" and insert "IC 5-16-7-12".

Page 11, line 17, delete "Sec. 11." and insert "**Sec. 12.**".

Page 11, line 23, delete "IC 5-16-7-12" and insert "IC 5-16-7-13".

Page 11, line 25, delete "Sec. 12." and insert "**Sec. 13.**".

Page 11, line 39, delete "IC 5-16-7-13" and insert "IC 5-16-7-14".

- 1 Page 11, line 41, delete "Sec. 13." and insert "**Sec. 14.**".
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1483 as printed February 7, 2007.)

Representative Niezgodski